

The Library of Congress'

***EARLY STATE RECORDS PROJECT***

converted from the original microfilm held by the  
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

REPORT  
OF THE  
FISH COMMISSIONERS,  
OF THE  
STATE OF WEST VIRGINIA,  
FOR THE YEARS 1885-6.



CHARLESTON :  
MOSES W DONNALLY, PUBLIC PRINTER,  
1887.



# REPORT

OF THE

## FISH COMMISSIONERS.

---

CHARLESTON, January 14, 1887.

*To His Excellency, E. W. Wilson, Governor of West Virginia :*

The Commissioners of Fishes, of the State of West Virginia, respectfully submit the following report :

So far as the distribution of fish throughout the State is concerned our operations since the date of our last printed report made in January, 1885, have been restricted to distributing carp.

We have been able, with the assistance given us by Prof. Baird, United States Commissioner of Fishes, &c., (to whom we gratefully acknowledge our obligations) to supply all demands on us for these fish except some forty applications, which are now on file, and to meet which the fish are assorted in small ponds ready for shipment as soon as the weather will admit of their being safely sent.

We were induced thus to confine ourselves to the cultivation of carp by the conviction that they are to be the great food fish of the future in this country, by the increasing demand for them to stock ponds, and by the smallness of the fund in our hands with which to operate. Besides this our experience has shown that, although our depleted trout streams can be readily re-stocked with either the native trout or the California trout (which is perhaps,

all things considered, as valuable a fish); yet the total disregard of the law in relation to fishing, and the greediness with which all trout streams are now fished render it almost hopeless to expect that the supply of these fish in any of our streams can be kept up except at a very heavy expense until these causes of depletion cease. We have not therefore (though we have been repeatedly solicited so to do) deemed it advisable to re-stock any stream with trout

In our report of 1885, we say that our experiments have satisfied us that we can successfully stock with California trout many streams which formerly were filled with native trout, but which have become barren from the clearing out of lands, thus exposing them to the sun, and causing such rise in the temperature of their water as to render their re-stocking with native trout a doubtful experiment.

The other barren trout streams, rendered so by remorseless fishing, deposits of saw dust and other such causes not interfering with the temperature of the water, can be re-stocked with the native trout which we believe to be the most desirable of all fish, though his California brother is little inferior to him in gameness, flavor or value, and is perhaps superior in fecundity as he is in hardiness.

The excellence of this fish, the small area of country in the United States in which natural trout streams are found, the great inducements they prove to be to attract that large and growing class of persons who annually go out from the towns and cities to find pleasure, rest and health in the mountains, are fast (apart from other considerations), rendering a well-stocked trout stream a thing of value to any community in which it is found, and this State, through which these streams were so liberally scattered, may well deplore the day when they, adding as they do, so much to the comfort and income of her people and the attractiveness of her summer resorts and country homes, become mere barren runs; and our observation and enquiries within the last year satisfy us that the day when the trout of West Virginia will be practically extinct is close at hand, unless speedy steps to prevent it be taken. We call attention to that part of the report of 1883, in regard to the enforcement of law as to fish and fishing. We are satisfied that its enforcement would result in a great increase of native fish of all kinds. We regret the fact that while the law is respected in some parts of the State, in other parts it is a dead letter, constantly violated with impunity, not only by that class of men who, being in the habit of evading

or defying laws which they conceive to clash with their interest or pleasure are known as "lawless characters," but by many who aspire to the character of law-abiding citizens. We have had numerous complaints as to violations of the law, especially as to the wholesale destruction of fish in Cheat and New Rivers by the use of dynamite. We are powerless in the matter, and it can hardly be hoped that the law will be enforced until there be some person, whose special duty it shall be to see to this matter, and who shall receive some compensation for his services, either from fines collected or such other source as may seem best.

We therefore respectfully recommend that an act of the Legislature be passed providing that the Commissioners of Fisheries shall have power to appoint such number of officers as they may deem proper, (not exceeding ten) to be designated as "Fish Wardens," who shall hold office until removed by the Commissioners, and shall have authority to arrest and have prosecuted all persons violating the laws of the State relating to fish and fishing, and to seize and take into possession all implements or materials used or intended to be used in violation of said laws, to be dealt with according to law. The authority of each of such "Fish Wardens" to extend over such portion of the State as the Commissioners of Fisheries may direct; and that all fines assessed against and collected from any person, or persons, for violation of said laws relating to fish and fishing, in a prosecution begun on the information of a Fish Warden, shall be paid one-half to such Warden, and the other to the Sheriff of the county in which the prosecution was had, for the use of the Irreducible School Fund.

We find that whilst the law for the protection of fish, &c., as amended by chapter 89, of the Acts of Legislature of 1882, provides a penalty for taking fish from any private pond, no penalty is provided for taking them from runs which are private property, and that this deters individuals, who otherwise would be desirous of stocking such private runs with fish, from doing so.

There are in the State many such runs, which could be made to yield large quantities of trout, or other fish, and thus become valuable to their owners and to the community, and in our judgment, the proprietors of such runs should be encouraged and protected in efforts so to make them.

We are further of opinion, that the open season for taking trout and land-locked salmon, as fixed by said amendment, is too long,

and it affords no protection to California trout (which have been introduced into our State since its passage). We therefore suggest such amendments to said law as will more effectually protect the rights of such persons as may desire to raise fish upon their own property, and as will limit the open season for taking any variety of trout or land-locked salmon to the time in each year included between the 1st day of April and the 1st day of August.

We reiterate the statement made in the Report of 1885, that we have found all that was said in former Reports, as to the value of carp to our State, and the ease and profit with which they can be raised, proven true by the results of our distributions of them. There are now some hundreds of carp ponds in the State varying in size from a few rods square to one or more acres, and from nearly all of those from which we have any report, it is a report of success beyond expectation, or even hope; and in this fish alone, we feel confident, there is already in the State a money value exceeding the appropriations heretofore made to this Commission.

We are in constant receipt of requests for information and instruction as to the construction of ponds and culture of carp, and the interest in the matter, especially among the farmers (to whom it can be made most profitable), is constantly increasing.

We have on hand printed instructions on ponds and carp culture, which we mail when requested, to persons interested therein.

The edible qualities of this fish (which was first introduced into the United States in 1879) have been, within the last few years, fully tested, and the result is such as to justify the United States Commissioner of Fishes, &c., (by whom thorough inquiry on the subject has been made) in ranking it high among the food fishes. When, however, the fish is taken from a stagnant and muddy pond, it should be kept alive in pure, cool water for a short time before it is eaten in order that the rank taste which all fish acquire in stagnant ponds, may be removed.

From all parts of the State information comes in the shape of letters to us, and communications to the newspapers; showing the great value of this fish. As (to some extent) indicating this we insert here an extract from one of many letters to the same effect:

SALEM, WEST VA., May 5, 1885.

*Mr. C. S. White,*

DEAR SIR:—I received the fish Friday, 19 in number, they “were lively and in good condition. I am well pleased with them,

“ have all three varieties of carp now. I am very much interested  
 “ in carp culture, having placed six three year old fish in a pond  
 “ the 11th of last April, one year ago, the largest weighing one  
 “ pound ten ounces, from that down to three-fourths of a pound.  
 “ I drained the pond the 3d of last April, and found lots of young  
 “ fish. I think there were from ten to fifteen thousand. Some few  
 “ weighing six ounces. The old ones had more than doubled them-  
 “ selves in weight. The largest had gained one pound twelve  
 “ ounces. I have three ponds and am going to build more.

J. M. ISENHART.”

We also find, as we anticipated, that the Rivers of the State are beginning to be stocked with carp which have escaped whilst small, from ponds, several weighing from three to nine pounds having been caught in the South Branch River, others in Capon, and others in the Potomac, and when the State has become filled (as we believe it will be) with carp ponds, the annual increase (the number of eggs in a large fish running up to five hundred thousand,) will be so great as to afford, to a considerable extent, stocking of the Rivers from the superabundance of young fish in the ponds, many of which will escape in overflows and leaks, and many more of which will have to be gotten rid of to prevent over-crowding of the ponds. This can be done to some extent by allowing the young fish to escape through a screen of the proper size into the stream below, and in cases where the owners of ponds have to resort to seines or nets to reduce this superabundance, it is expected, and we desire it to be so understood, by all persons to whom we furnish carp, that these young fish, so taken out, are to be turned alive into the streams below the pond, so that they may reach and stock public waters.

During the past summer several hundred young carp were in this way seined from the pond of Capt. W. H. Sale, at Capon Springs, and let loose in Capon river.

We have in our former reports stated the necessity for repairs and improvements at the Hatchery to enable us successfully and economically to carry on our work. The appropriations have been so small that we have not as yet been able to make the needed improvements, &c.

As experience had shown the absolute necessity of having a house in the Hatchery in which the manager could reside so as to be always on hand to care for and watch over the property and fish

there we have had such a house erected. We have also had three new ponds built for the purpose of holding young fish for distribution. The house is of plank with shingle roof and brick chimney, 24 feet long by 16 wide, two stories high, with four rooms in it, and is only so far finished as to render it possible for the manager to stay there. The new ponds are made of two inch oak plank, are about two feet deep, eight feet broad, and respectively 42, 16 and 14 feet long. The house and fencing have been white-washed, and such other improvements made as we believed it to be now expedient to make.

The appropriations given us by the last Legislature were \$750.00 for each of the years 1885 and 1886. We have by the most careful use of the money at our command been enabled to accomplish the results hereinbefore stated, and have on hand an amount which will, we hope, pay all indebtedness of the commission which will accrue before another appropriation is available and enable us to add to necessary repairs and improvements.

The United States Government, every Government in Europe and every State in the Union is now engaged in fish culture. In most of the States the appropriations for the work have been liberal amounting in some of them to large sums, as for instance, in Pennsylvania, to about \$500,000.00, and in New York, to more, and in no State, we believe, have appropriations been so small and inadequate to the results expected to be secured as in this.

We are thoroughly satisfied of its great importance to the people of the State, especially to the land owners, and therefore we give to it freely our services without compensation, and wish that there was at our command a sufficient amount of money to carry it on as extensively and effectively as we believe it should be done, but knowing the heaviness with which the burden of taxation (National and State) now rests on the people, we only ask such aid as we deem absolutely necessary to keep in proper condition the property of the State, meet to a far less degree than we desire to do the applications made to us for fish and make the improvements we deem essential, and believe that an appropriation of \$500.00 annually will be barely enough for these purposes.

Under the law under which this Commission was organized, the money appropriated was directed to be paid over to the Commissioners for use in their respective districts.

On the 17th of January, 1885, N.M. Lowry, who was then a com-

missioner of fishes made a settlement with the commission by which it appeared that there was in his hands the sum of \$372.35 to be expended in the distribution of fish and to defray the expenses necessary to the discharge of his duties as such commissioner.

In the spring of 1886, Mr. Lowry left the State without making a settlement of his accounts as commissioner, and without paying over to his successor, nor to the treasurer, nor any member of this Commission any part of said \$372.35. We are unable to tell how much of said sum he had in the interval between the date of his last settlement and the date of his departure properly expended, or how much, if any thereof, remained unexpended in his hands. Commissioner Manning, who was the successor of said Lowry, was in June last directed by this Commission to endeavor to get a settlement with said Lowry, if possible, and if he failed to do so, to advise with the Attorney-General and have such legal proceedings instituted as were proper. Mr. Manning reports that he was unable to hear from Mr. Lowry, and could secure no settlement, and on consultation with the Attorney-General he advised that it was not expedient to institute legal proceedings as if anything should be recovered of him, there was no property of his in the State out of which to make it.

The Commission, though not required to do so, and though doubtful as to their right in the premises, at their first meeting after Mr. Lowry's departure, entered an order directing that no money should be paid into the hands of any commissioner (except for expenses of attendance at meetings and other expenses actually theretofore incurred by him in the discharge of his duties) until he had executed a bond in the penalty of \$500.00, conditioned for the accounting for and paying over properly all moneys which might come into his hands as such commissioner with security to be approved by the Prosecuting Attorney of his county.

Below will be found a list of persons to whom carp were sent in 1885-6, and also copies of the financial settlements of the Treasurer and Commissioners.

Below is a list of persons to whom carp have been sent in 1885 and 1886:

| NAMES OF PARTIES.    | POST OFFICE. |
|----------------------|--------------|
| A. S. Anderson ..... | Hook's Mill. |
| J. E. Carrier .....  | Concord.     |
| John Kelsae .....    | High View    |

|                                  |                       |
|----------------------------------|-----------------------|
| W. E. Harloe.....                | High View.            |
| James F. Kelsæ .....             | " "                   |
| S. G. Lupton .....               | Dillons Run.          |
| J. W. Thompson.....              | Jersey Mountain.      |
| Moses Mason .....                | Capon Bridge          |
| P. F. Sims .....                 | Purgitsville.         |
| J. M. Bloss .....                | South Branch.         |
| John W. Arnold.....              | Moorfield Junction.   |
| S. H. Williams .....             | Romney.               |
| Peter Barnes .....               | "                     |
| Philip Malik .....               | Augusta.              |
| J. R. Glover .....               | Auburn                |
| N. G. Waldo .....                | Holbrook.             |
| J. F. Newlon .....               | Webster.              |
| S. S. Waller .....               | "                     |
| J. B. Newlon, two lots.....      | "                     |
| C. O. Newlon .....               | "                     |
| G. H. Smith, two lots.....       | "                     |
| W. C. Armstrong .....            | Bruceton Mills.       |
| W. C. Stiles, Jr., two lots..... | Volcano.              |
| George M. Ralphsingder .....     | Arnettsville.         |
| J. P. Clark .....                | Burning Springs.      |
| James Shriver.....               | Colfax.               |
| R. F. Knight .....               | "                     |
| C. J. Goff.....                  | Clarksburg.           |
| James A. Chambers.....           | Terra Alta.           |
| Francis Coplin .....             | Grafton               |
| S. C. Stonestreet.....           | Wolf's Summit.        |
| William Fisher.....              | Moorefield.           |
| Silas B. Bailey.....             | Flemington.           |
| J. M. Bloss .....                | South Branch          |
| Howard N. Ogden. ....            | Fairmont.             |
| P. Shelly.....                   | Sedan.                |
| W. S. Purgit.....                | Purgitsville.         |
| W. H. Pepper .....               | Sedan.                |
| J. H. H. Duffey. ....            | Nicholas Court House. |
| M. H. Kooniz .....               | Nicholas Court House. |
| J. E. Peck.....                  | Nicholas Bour House.  |
| Mrs. FitzPatrick .....           | Nicholas Court House. |
| J. W. Isenhardt .....            | Nicholas Court House. |

John G. Johnson ..... Philippi.  
W. J. Nutter ..... Scott Depot  
John Somerville . . . . . Toll gate.  
J. H. Lantz. .... Rowlesburg.

In addition to these, we have some forty applications on file, with the fish gotten out and ready to send to the applicants as soon as the weather permits.

### Financial Statement of F. J. Baxter as Treasurer of the West Virginia Commissioners of Fishes.

| 1885.                                                                                                   | Dr. |                   |
|---------------------------------------------------------------------------------------------------------|-----|-------------------|
| October 6, to amount received of H. B. Miller, late Treasurer, ....                                     | \$  | 400 86            |
| November, to amount received of State Treasurer .....                                                   |     | 750 00            |
| 1887.                                                                                                   |     |                   |
| January 10, to amount received of State Treasurer.....                                                  |     | 750 00            |
|                                                                                                         |     | <u>\$1,900 86</u> |
|                                                                                                         | Cr. |                   |
| October 9, by amount paid N. M. Lowry, expenses to meeting of Commission, September 2, 1885 .....       | \$  | 40 00             |
| October 10, by amount paid W. Montgomery, salary, manager at Hatchery.....                              |     | 60 00             |
| October 10, by amount paid same, expenses to Cumberland and extra work.....                             |     | 4 25              |
| October 29, by amount paid F. J. Baxter, expenses to meeting of Commission September 2, 1885 ..         |     | 28 00             |
| November 2, by amount paid C. S. White to pay for repairs &c., at Hatchery...                           |     | 100 00            |
| November 4, by amount paid same to pay for construction of house at hatchery. ....                      |     | 200 00            |
| 1886.                                                                                                   |     |                   |
| February 17, by amount paid Wm. Montgomery, salary, manager at hatchery .....                           |     | 30 00             |
| June 3, by amount paid C. S. White, expenses to meeting of Commission June, 1886.....                   |     | 45 00             |
| June 3, by amount paid M. A. Manning, expenses to meeting of Commission, June, 1886                     |     | 10 40             |
| June 3, by amount paid F. J. Baxter, expenses to meeting of Commission, June, 1886...                   |     | 10 00             |
| June 17, by amount paid M. A. Manning for fund for distribution, &c. ....                               |     | 50 00             |
| July 7, by amount paid F. P. Barnes, quarter's salary as manager at hatchery to July 1, 1886.....       |     | 60 00             |
| October 7, by amount paid F. P. Barnes, quarter's salary as manager at hatchery to October 1, 1886..... |     | 60 00             |
| 1887.                                                                                                   |     |                   |
| January 14, by amount paid C. S. White, expenses to meeting of Commission, Jan. 1887                    |     | 55 40             |
| January 14, by amount paid M. A. Manning, expenses to meeting of Commission January, 1887.....          |     | 24 20             |
| January 14, by amount paid F. J. Baxter, expenses to meeting of Commission, January, 1887.....          |     | 23 00             |
| January 14, by amount paid C. S. White, balance expended by him for repairs at hatchery, &c.....        |     | 22 20             |
|                                                                                                         | \$  | <u>924 05</u>     |
| 1887.                                                                                                   | Dr. |                   |
| January 14, balance due from Treasurer.....                                                             | \$  | 1,076 81          |

### Financial Statement of F. J. Baxter as Commissioner of Fishes.

| 1885.                                                                  | Dr. |        |
|------------------------------------------------------------------------|-----|--------|
| October 6, to amount received of H. B. Miller, late Commissioner... .. | \$  | 357 62 |

## Financial Statement of M. A. Manning, Commissioner of Fishes.

|                                                       |     |                 |
|-------------------------------------------------------|-----|-----------------|
| 1886.                                                 | Dr. |                 |
| June 21, Received from Treasurer Fish Commission..... | \$  | 50 00           |
| 1886.                                                 | Cr. |                 |
| July 7, by expenses to Ronceverte.....                | \$  | 2 10            |
| By amount paid for stationary.....                    |     | 5 00            |
| August 8, by amount expended to Kanawha Falls.....    |     | 6 90            |
| August 20, by amount expended to Coal Valley.....     |     | 10 30           |
| By amount postage account.....                        |     | 1 34            |
|                                                       |     | <u>\$ 25 64</u> |
| Balance on hand.....                                  | \$  | 24 36           |

## Financial Statement of C. S. White, Commissioner of Fishes.

|                                                                                                                                                                                 |     |               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|---------------|
| 1883.                                                                                                                                                                           | Cr. |               |
| Amount due C. S. White, Commissioner, as per last settlement.....                                                                                                               | \$  | 3 60          |
| October 3, Amount paid B. F. Shaw for plans and Model of fish way as per receipt filed.                                                                                         |     | 6 00          |
| 1885.                                                                                                                                                                           |     |               |
| March 11, amount paid B. & O. R. R. Co. freight and charges on fish as per rec't filed..                                                                                        |     | 7 55          |
| January, " I. H. C. Pancake for hasp, staples and nails for hatchery " " "                                                                                                      |     | 47            |
| March 5, " Wm. Parker & Bro. for transportation of fish &c., " " "                                                                                                              |     | 1 25          |
| February 4, " J. T. Brady for flannel screens, lock &c. for hatchery " " "                                                                                                      |     | 87            |
| October 1, " T. B. Kraft, for repairs to tank and pipe at " " "                                                                                                                 |     | 14 00         |
| 19, " Gilkeson & Sons, for lime for house " " "                                                                                                                                 |     | 1 25          |
| 23, " Geo. Corbin for work at " " "                                                                                                                                             |     | 4 50          |
| " Charles Corbin " " "                                                                                                                                                          |     | 7 87          |
| November 16, " L. B. Kraft, for further repairs " " "                                                                                                                           |     | 7 60          |
| " S. W. Barrett for work on dams " " "                                                                                                                                          |     | 1 00          |
| " Jos. M. Poling for material and plastering house " " "                                                                                                                        |     | 27 50         |
| " Tobias Mytriger for lumber and work on " " "                                                                                                                                  |     | 175 00        |
| December 18, " Expressage on can to Prof. Baird " " "                                                                                                                           |     | 25            |
| 1886                                                                                                                                                                            |     |               |
| August 18, " J. H. Peer for lumber to make ponds at hatchery " " "                                                                                                              |     | 23 00         |
| July 18, " D. H. Huskell for wheelbarrow for hatchery " " "                                                                                                                     |     | 4 25          |
| December 16, " E. Russell & Bro. for lime, work, &c., at hatchery " " "                                                                                                         |     | 3 23          |
| 1887                                                                                                                                                                            |     |               |
| January 6, " B. & O. R. R. Co. freight and charges on fish " " "                                                                                                                |     | 9 00          |
| " Albert Alexander for tolls on bridge and taking fish to hatchery .....                                                                                                        |     | 1 25          |
| January 8, " I. H. C. Pancake on acc't. for trap, nails, &c., for hatchery " "                                                                                                  |     | 1 20          |
| " W. H. Haffer on account for repairing cans and buckets " "                                                                                                                    |     | 3 10          |
| " amount on account for personal expenses for which no receipts were taken, for hauling, tolls, postage and telegrams and trees bought for hatchery since January 10, 1885..... |     | 18 46         |
|                                                                                                                                                                                 | \$  | <u>322 20</u> |
| 1885.                                                                                                                                                                           | Dr. |               |
| November 2, To amount of check of F J. Baxter, Treasurer.....                                                                                                                   | \$  | 100 00        |
| 4, " " " " " .....                                                                                                                                                              |     | 200 00        |
| 1887.                                                                                                                                                                           |     |               |
| January 14, " " " " " .....                                                                                                                                                     |     | 22 20         |
|                                                                                                                                                                                 | \$  | <u>322 20</u> |

C. S. WHITE,  
F. J. BAXTER,  
M. A. MANNING.  
*Commissioners of Fishes.*